FOCUS QUESTIONS, Civ Pro I

Unit 1: Overview of Civil Procedure & Introduction to Jurisdiction

* 1. What kind of legal system do we have in the US? What are its key features?
  2. What are the fundamental principles of civil procedure in a common law system? Be prepared to explain each principle and how they are related to each other.
  3. Professor Norman Spaulding’s essay comments on the role of the lawyer in our adversary system of justice. Who does Spaulding argue to be the “real” lawmakers in our system? Why? Does your casebook author, Professor Yeazell, agree? How does Yeazell divide the primary responsibilities in a lawsuit?
  4. According to Spaulding, what social purpose is served by the “decentralization” of law in our legal system? Do you agree?
  5. How do Spaulding’s arguments relate to our study of civil procedure? To our role as lawyers within our legal system?
  6. How is the procedural law of “civil law” countries such as Germany, France, and Japan different from the procedures in “common law” countries such as the US, the UK, and Australia?
  7. When, why, and to whom might such differences in procedure matter? Evaluate specific pros and cons of US adversarial procedure vs civil law inquisitorial procedure.
  8. According to Bisceglia (a lawyer and former President of the Illinois Bar Association) what is the difference between behavior that is unethical and behavior that is unprofessional? What causes uncivil attorney behavior?
  9. Applying Bisceglia’s comments, how might a better understanding of civil procedure help to reduce incivility?
  10. Be able to explain the differences between substantive and procedural law.
  11. We will explore many questions and issues in civil procedure, but one of the most important is the concept of jurisdiction. What is jurisdiction and why is it important?
  12. Be prepared to answer the Notes & Problems on CB pp 9-12 & 72-78, using the material from your casebook.